

UNIVERSITY OF IOWA STUDIES

STUDIES IN CHILD WELFARE

VOLUME I

NUMBER 6

CHILD LEGISLATION IN IOWA

BY

FRANK E. HORACK

PUBLISHED BY THE UNIVERSITY, IOWA CITY

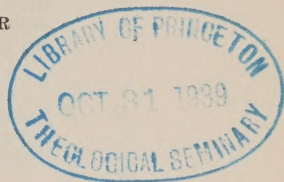
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UNIVERSITY OF IOWA STUDIES IN CHILD WELFARE

PROFESSOR BIRD T. BALDWIN, PH. D., EDITOR



FROM THE IOWA CHILD WELFARE RESEARCH STATION

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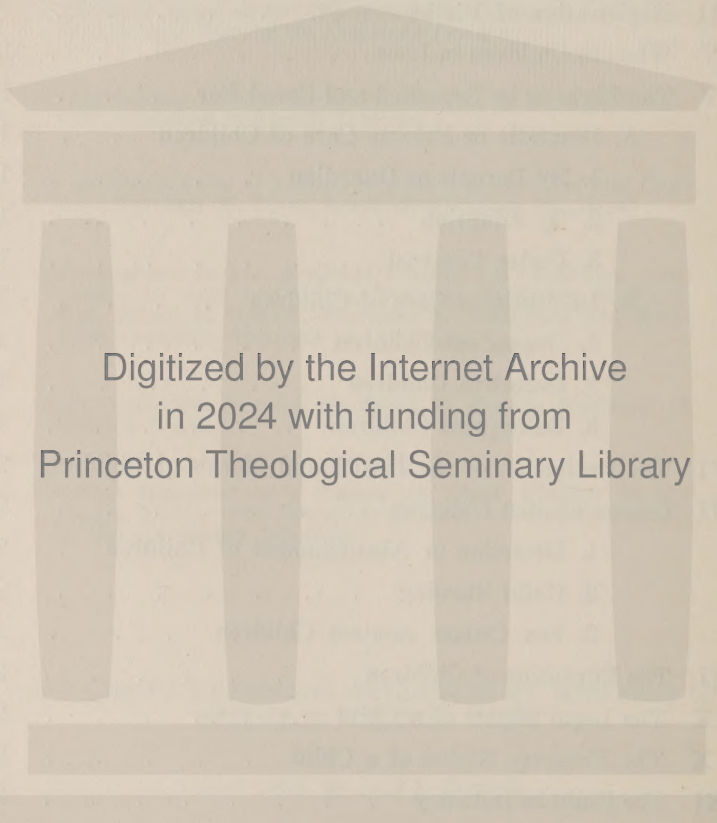
	Pages
1. <i>The Physical Growth of Children from Birth to Maturity</i> , by Bird T. Baldwin, Research Professor of Educational Psychology and Director, Iowa Child Welfare Research Station (in press)	250
2. <i>A Survey of Musical Talent in the Public Schools</i> , by Carl E. Seashore, Head of the Department of Philosophy and Psychology and Dean of the Graduate College	36
3. <i>A Preliminary Study in Corrective Speech</i> , by Sara M. Stinchfield, Assistant in Speech Training	36
4. <i>An Analytic Study of a Class of Five and Six Year Old Children</i> , by Clara H. Town, Research Associate (in press)	100
5. <i>Investigations in the Artificial Feeding of Children</i> , (reprints) by Amy L. Daniels, Research Professor of Nutrition, Albert H. Byfield, Professor of Pediatrics, and Rosemary Loughlin, Assistant in Nutrition	24
6. <i>Child Legislation in Iowa</i> , by Frank E. Horack, Professor of Political Science	40
7. <i>Selective Migration as a Factor in Child Welfare in the United States, with Special Reference to Iowa</i> , by Hornell N. Hart, Research Associate	150

UNIVERSITY EXTENSION BULLETINS BY MEMBERS OF RESEARCH STATION STAFF

- 57. *Diet for the School Child*, by Amy L. Daniels
- 59. *The Physical Growth of the School Child*, by Bird T. Baldwin
- 65. *Feeding the Baby*, by Amy L. Daniels and Albert H. Byfield
School Lunches, by Amy L. Daniels (in press)
Diet Card, by the Staff (in press)

OUTLINE

	Editor's Foreword	5
I	Introduction	7
II	Citizenship and Domicile	8
	Legal Settlement	9
III	Registration of Births	9
IV	Who are Children in Iowa	10
V	The Right to be Protected and Cared For	10
	A. Domestic or Private Care of Children	10
	1. By Parents or Guardian	11
	2. By Adoption	13
	3. Under Contract	13
	B. Institutional Care of Children	14
	1. Dependent Children	14
	2. Defective Children	15
	3. Delinquent Children	18
VI	The Protection of the Health and Morals of Children	22
VII	Crimes against Children	23
	1. Desertion or Abandonment of Children	23
	2. Child Stealing	24
	3. Sex Crimes Against Children	24
VIII	The Education of Children	24
IX	The Legal Rights of a Child	26
X	The Property Rights of a Child	27
XI	The Child in Industry	28
XII	Special Restrictions upon Minors	31
XIII	Child Welfare Legislation	33
XIV	Conclusion	33



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EDITOR'S FOREWORD

Science has for years been extending the period of the infancy of man. The present tendency of legislation is for the federal government and the several states to extend their care and protection of children in order to give them time to grow, to be educated, and to become trained for good citizenship. Professor Horack has shown in his analysis of state legislation relating to the child in Iowa that this great commonwealth has conceived the child's right to be protected in the home and through private and institutional care, in health, morals, education, and industry, in addition to safeguarding his legal and property rights.

In general the laws of this state bearing on child welfare are good, with special application to all ages and all classes and with an increased tendency toward constructive legislation. This is particularly true of the basic compulsory education law of 1902; the juvenile court act of 1904; the child labor legislation of 1906 and 1915; the mothers' pension provisions of 1913; the contributory dependency act of 1909; the Perkins law of 1915; and the act establishing the Iowa Child Welfare Research Station in 1917.

On the other hand, there are also many inconsistencies and considerable lack of uniformity throughout the statutes in regard to age classifications and provisions for the proper administration of particular laws on vital statistics. There is a failure to distinguish between delinquent, dependent, neglected, and destitute children; to guard against the possibility of children's being confined in county homes; and to provide for close supervision of the placing out of children. Equally inadequate are the legal provisions for determining who are feeble-minded in schools or in homes, and for training defectives or delinquents in publicly supported schools or colonies.

Each of the problems outlined in this study will offer a wide field for further work and investigation. There is urgent need for a detailed study of the present administration and interpretation of the laws of the state.

In this analysis of the legal status of the child in Iowa, Professor Horack has made a distinct contribution to the work and service of the Research Station. The Iowa Child Welfare Research Station is ready to serve not only as a research station for the scientific investigation of the conservation and development of Iowa's children, but also as a coördinating center and a service station in the field of child welfare without assuming the work or duties of other institutions, organizations, or committees.

BIRD T. BALDWIN

Office of the Director,
Iowa Child Welfare Research Station,
University of Iowa, Iowa City.
September 27, 1920.

CHILD LEGISLATION IN IOWA

I. INTRODUCTION

Society has come to recognize the truth of the saying, "as the twig is bent the tree is inclined." This belief is of first importance in any discussion of the subject of how good citizenship can be promoted. Good citizenship requires adequate care and protection of childhood.

The laws of our states, as also of the federal government, have more and more tended to insure by statute adequate care and protection to children, in order that they may become good citizens and be entrusted with the duties and responsibilities of citizenship. In the attainment of this goal there has been a marked tendency to prolong the period of childhood in the life of the individual—a tendency that will no doubt be strengthened by the new influence of women in the political affairs of the state.

The laws of Iowa do not always apply uniformly to all children up to the age of their majority. In the first place there are numerous classifications as to age, particularly in respect to industry, crime, and dependency. Special provisions of law apply to (1) the unborn as well as the born, (2) the legitimate and the illegitimate, (3) male and female, (4) the normal and the abnormal, (5) the healthy and the diseased, (6) the poor and the propertied, (7) the employed and the unemployed, (8) those of school age and those not of school age, (9) the delinquent and the law-abiding, (10) the imprisoned and the paroled, (11) the single and the married and (12) the orphaned, neglected, and abandoned, as well as those under adequate parental care.

Thus it can readily be seen that legislation relating to the child in Iowa covers a very wide range of topics. These laws are scattered throughout the entire code, but the compilation of the law by the recent code commission, together with an excellent index, has greatly lightened the task of the writer. All of the references are to the compiled code of 1919, but inasmuch as the compiled code has not been officially adopted, all quotations of law have been veri-

fied from the original sources. The original sources are indicated in brackets at the end of each section of the compiled code of 1919.

The material presented in this study is in no way intended as a children's code, but rather as a narrative account of the various phases of child legislation now on the statute books. The author has not attempted to suggest what the law of the state in this field ought to be. Having been shown what the law is, the experts in the field of child welfare can readily suggest the omissions or necessary amendments. Neither has the writer attempted to deal with the administration or the interpretation of the law, as this would make a special study in itself and is beyond the scope of this paper.

II. CITIZENSHIP AND DOMICILE

The citizenship of children in the United States is determined by the provisions of the fourteenth amendment to the constitution of the United States which states that: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Congress however, has full power to prescribe who may be naturalized, and has limited citizenship by naturalization to white persons or persons of African nativity or of African descent. No state can withhold citizenship from those born within its own jurisdiction or within that of the United States. The Supreme Court of the United States has held that children born in the jurisdiction of the United States are citizens even though their parents (being Chinese or Japanese) are denied citizenship by naturalization under the laws of Congress. Thus it is apparent that the children of Iowa gain their citizenship in the United States and in the State under the provisions of the Federal constitution and the laws of Congress.

Each state, however, may make reasonable provisions as to how, and under what conditions, persons may qualify for the exercise of rights and the enjoyment of privileges within the state according to the state constitution and laws. Thus the Iowa constitution provides that "Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State six months next preceding the election, and of the County in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law."

Legal Settlement. The legislature, however, has determined what constitutes a settlement in this state, and this is often of prime importance in determining the right of a child to poor relief. Thus the code of 1897 provides that "any person having attained majority, and residing in this state one year without being warned (to depart) . . . gains a settlement in the county of his residence." Thus it would appear that a person coming into Iowa from another state could acquire state citizenship after six months' residence in the state and sixty days' residence in the county which would entitle him to vote; yet if he became a public charge before the expiration of one year he could not claim a settlement in the state under the provisions of the code just cited. The code further provides that "Legitimate minor children follow and have the settlement of their father, if he has one, but if he has none, then that of the mother; illegitimate minor children follow and have the settlement of their mother, or, if she has none, then that of their putative father."

A minor whose parent has no settlement in this state, by residing one year in any county gains a settlement in such county. But a minor bound out as an apprentice immediately acquires the settlement of his master.¹ Thus it appears that one may acquire state citizenship before acquiring a settlement, or one may acquire a settlement without having acquired state citizenship. But the important question in nearly all cases of orphaned, abandoned, neglected, or pauper children is: Have they acquired a domicile or settlement within the state?

III. REGISTRATION OF BIRTHS

For a complete and proper registration of births for legal, sanitary, and statistical purposes the code constitutes the clerk of the district court as county registrar, whose duty it is to inform all physicians, midwives, and the people of the county in general that all births must be reported to him within ten days, and that in case the child is not named at the time the report is made a supplementary report must be made giving the name of the child when named. Even more explicit are the provisions of the law putting upon the person or persons in charge of a maternity hospital the responsibility of keeping "a true, accurate and complete register of all patients and of all births and deaths occurring upon said

premises, giving date of entry of each patient, date of birth and name of each child born on said premises, and the age of all children dying thereon.”²² Special blanks are furnished by the state board of health for this purpose. Moreover the state has protected the mother and the child born in such hospitals from the curious eyes of the scandal monger, by providing that the birth records required in such cases “shall be accessible to the members of the state board of health, members of the board of control of state institutions, the attorney-general, and any county attorney in the state, and to no other person except on order of a court of record.”²³

IV. WHO ARE CHILDREN IN IOWA

Boys and girls do not pass from childhood to their majority at the same age in Iowa. The code declares that “the period of minority extends in males to the age of twenty-one years, and in females to that of eighteen years; but all minors attain their majority by marriage.”²⁴ Inasmuch as the law of Iowa recognizes as valid a marriage between a male of sixteen and a female of fourteen years of age, children marrying before reaching their majority thus become independent of parental control so far as their personal and property rights are concerned, but neither of them would be entitled to vote until they had reached the age of twenty-one.

Many laws apply only to children of certain ages or in certain circumstances, but except as just noted all normal persons not under conviction of crime are presumed to be under the control of parent or guardian or of some institution having the authority of parent or guardian until they reach their legal majority. The manifest purpose of the law is to guide the child in his adolescent period not only for his own benefit but for the benefit of society.

V. THE RIGHT TO BE PROTECTED AND CARED FOR

A. DOMESTIC OR PRIVATE CARE OF CHILDREN

Under the above title the writer has included all of those provisions of the law intended to insure to the child a home and adequate care and maintenance. This naturally includes dependent and defective children, and inasmuch as dependent and delinquent children are handled in the same chapters of the code, and in many

instances are evidently treated exactly alike, it seemed expedient to consider delinquent children and juvenile offenders also under this heading. It is no doubt expected that adequate care and training will ultimately make good citizens out of juvenile delinquents.

1. *By Parents or Guardian.* The presumption of the law is that every child is entitled to proper care and support either from parents, guardian, county, or state, or, if under apprenticeship, from his master. Numerous provisions have thus been made to insure the child adequate care and support from one or more of these agencies. The law presumes that parents will support and care for their own children, and it is only in those cases of parental neglect that the law attempts to define parental duty toward their offspring.

The terms dependent children and neglected children are defined as meaning "any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or who has not the proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents or guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten years, who is found begging, or giving any public entertainment upon the street for pecuniary gain for self or another; or who accompanies or is used in aid of any person so doing; or who, by reason of other vicious, base or corrupting surroundings, is, in the opinion of the court, within the spirit of this act."⁵

The statute having separately defined dependent and delinquent children makes little further distinction between them either in the procedure by which they may be committed to an institution, or the care given them. Provision, however, is made for financial aid to widowed mothers, who are poor and unable properly to care for their children but are otherwise proper guardians. In such cases the court may enter an order stating the facts and fixing an amount of money, not exceeding \$2.00 per week per child, necessary to enable the mother properly to care for her children. But no such payments shall be made for any child over sixteen years of age.

Whenever a child has been found to be dependent, the court may summon the parent or parents of such child to inquire into their ability to support the child or contribute to its support. In case they are found capable of doing so, the court may enter an order or decree "as shall be according to equity in the premises, and may enforce the same by execution or in any way in which a court of equity may enforce its orders or decrees."⁶ Moreover any person found guilty of contributing to the dependency of a child may be put under bond to insure the care and maintenance of the child or be himself placed under guardianship; and in case he is physically and mentally able to work and refuses to do so, after suitable employment has been provided for him, and approved by the court, he may be held to be in contempt of court. In addition it is made the duty of the board of supervisors and the cities of such counties to give preference to such persons in the matter of work. The obligation of the parent to support his offspring is expressed in the following words: "This statute . . . shall be liberally construed as punishing the party affected as for contempt in case he does not do his parental duty and support his children as the law contemplates that he should do, after he has been ordered by the court to do so and efforts have been made to aid him in so doing."⁷

The law having imposed obedience upon the child up to the time of his majority, it has likewise insisted that he be entitled to protection and support. The law, however, does recognize the ability of a child of over sixteen years of age to support himself, though the parent or guardian may claim his earnings in return for the care and support given him. Thus the workmen's compensation act, enumerating those who shall be conclusively presumed to be wholly dependent upon a deceased employee, lists, among others, a child under sixteen years of age and a parent of a minor entitled to the earnings of the employee at the time the injury occurred.⁸

Children born out of wedlock are not deprived of the protection of the law in the matter of support. A number of sections of the code provide the method of procedure against the alleged father of a child born out of wedlock and make provision for the attachment and seizure of enough of his property to insure the support and maintenance of such a child.⁹ Proceedings may be begun

against the mother independently of, or jointly with the alleged father for such support.¹⁰

The man who fails to support his dependents finds little consolation in the law. The court may "levy upon any of his property, including wages, for the benefit of the family," and he is not given the benefit of exemption provided by statute, except such as are provided for an unmarried person.¹¹

2. *By Adoption.* The whole law of adoption seems to have as its chief purpose the securing of adequate care and protection to children who might otherwise be neglected. The code declares that any one competent to make a will, that is, of sound mind, "is authorized to adopt as his own the minor child of another, conferring thereby upon it all the rights, privileges and responsibilities which would pertain to it, if born in lawful wedlock to the person adopting."¹² Provisions for the consent of the parents or whoever has the lawful custody of the child; and the procedure by which the adoption is made legal is also made in considerable detail.¹³ Especially explicit is the law providing that children born in maternity hospitals shall not be adopted or disposed of "without the articles of adoption being filed as required by law."¹⁴

Whenever a child has been declared abandoned as provided by law, then the clerk of the district court may sign papers for its adoption, or it may be turned over to some home-finding association or state institution "with power to adopt such child out and to execute papers of adoption."¹⁵ Home-finding associations of other states must, however, furnish the state board of control with such guarantee as it may require that no child will be brought into the state of Iowa by such organization or its agents, if the child has contagious or incurable disease, or has any deformity, or is feeble-minded, or of vicious character. Such an association must also agree that it will "promptly receive and remove from the state any child brought into the state of Iowa by its agents, which shall become a public charge within the period of five years after being brought into this state."¹⁶

3. *Children Placed Under Contract.* Provision is also made for the adoption of children in the Iowa Soldiers' Orphans' Home¹⁷ or in the Juvenile Home.¹⁸ Children received in either the Soldiers' Orphans' Home or the Juvenile Home are declared to be wards of the state and may be placed "with any person or family of

good standing and character'' by contracts which shall provide ''for the custody, care, education, maintenance and earnings of the child,'' for the time fixed in the contract, which however can not extend beyond the time of his majority.¹⁹ If, however, a child, whether adopted or placed under articles of agreement for a term of years, is not given the care, education, and maintenance as required, the board of control is given authority to recover possession of such child and make such other disposition of it as may be deemed best for the interests of the child.²⁰ In fact, in cases of maltreatment or neglect of duty by an adopted parent, the district court may take the child and intrust it to another at the expense of the adopted parent.²¹

The final section of the chapter on the Compulsory Support of Neglected Children reads: ''This chapter shall be liberally construed in favor of the state for the purpose of the protection of the child from neglect, or omission of parental duty toward the child by its parents, or other persons standing *in loco parentis*, and further to protect the child from the effects of the improper conduct or acts of any person which may cause, encourage or contribute to the dependency and neglect of such child, although such person is in no way related to such child.''²²

B. INSTITUTIONAL CARE OF CHILDREN

The institutional care of dependent, defective, and delinquent children is provided for in considerable detail. These institutions, with the exception of the school for the deaf and the school for the blind, are under the board of control. The two exceptions are under the board of education.

1. *Dependent Children. The Soldiers' Orphans' Home.* The Iowa Soldiers' Orphans' Home was established shortly after the war of the rebellion for the care of the ''destitute children of soldiers, sailors and marines, residents of this state, orphans of soldiers under fifteen years of age, who are destitute or unable to care for themselves.'' By subsequent legislation ''other destitute children of like age who have a legal settlement in the state'' may be admitted to the home, but only in case there are not enough applicants in the former class to fill the home.²³ Children in the Soldiers' Orphans' Home are declared to be wards of the state and subject to the rules and regulations of the institution and they may be ex-

pelled for disobedience or refusal to submit to proper discipline. The law moreover provides that they shall be discharged from the home "upon arriving at the age of sixteen years, or sooner if possessed of sufficient means to provide for themselves."²⁴

Each county is made "liable for sums paid by the home in support of all its children, other than the children of soldiers."²⁵

The Juvenile Home. The board of control of state institutions was commissioned by an act of the Thirty-Eighth General Assembly to "establish a fit and proper Juvenile Home for the reception and care and education of dependent, neglected, delinquent or destitute children residents of Iowa."²⁶

In accordance with the authority granted them, the board of control has purchased the grounds and buildings of Leander Clark College at Toledo, Iowa, and converted the same into the Juvenile Home.

Although the law lists dependent, neglected, delinquent, or destitute children as admissible to the home, it is, however, clear that the inmates are of two classes, dependents and delinquents. The law specifically declares that only mentally and physically normal children will be admitted. The children admitted must be under fifteen years of age and may be sent to the home by adjudication of the district and superior courts of the state or without adjudication upon application approved by the board of supervisors of the county of legal settlement or a judge of a court of record having jurisdiction in said county.²⁷

The County Orphans' Fund. It is evident from a reading of the code that not all destitute orphans need be committed to institutional care. The board of supervisors is authorized to "levy a tax, not exceeding one-half mill on the dollar in any one year, on all taxable property in its county, at the same time other taxes are levied . . . to aid in and for the maintenance and education of destitute orphans." The fund thus raised is to be "expended in such sums and manner as the exigencies of each case may demand. If there are such children who are without guardian, or, having one, are neglected, they shall be cared for through some suitable person to be appointed by the board."²⁸

2. *Defective Children: The Deaf and the Blind.* There are four state institutions in Iowa devoted to the care of defective children, namely, the School for the Deaf, the School for the Blind, the

Institution for Feeble-minded and the State Colony for Epileptics. The first two institutions are rated as educational institutions. They are under the jurisdiction of the State Board of Education; and the chief object of each institution is to overcome, as far as possible, by special education and training the defect of sight or hearing.

The other two institutions, while providing such education as the inmates are capable of receiving, are established primarily for the protection of society by segregating those who can not be held responsible for their own acts.

The Feeble-minded. The law declares that the purpose of the feeble-minded institution is to train, instruct, care for, and support feeble-minded children. The statute declares moreover that the term feeble-minded "shall be so construed as to include idiotic children," and provision is made for a custodial department for the care of those who cannot be benefited by educational training.²⁹

"Every child and youth residing within the state, between the ages of five and twenty-one years, who by reason of deficient intellect is rendered unable to acquire an education in the common schools, is entitled to receive the physical and mental training and care of this institution at the expense of the state." The county superintendent is required to report annually on the first day of October to the superintendent of the institution "the name, age and post-office address of every person in his county of such age who, by reason of feeble mental and physical condition, is deprived of a reasonable degree of benefit from the common schools."³⁰ Admission to the institution is obtained by application by parent or guardian or if a feeble-minded child is without either, by the board of supervisors, and it is made their duty "to make such application for any such child or youth who has no living, sane parent or guardian in this state, unless otherwise comfortably provided for."³¹ The feeble-minded may also be sent, by order of the court, to a private institution caring for such persons.

While the institution as organized was primarily intended for children, subsequent legislation has authorized the admission of all feeble-minded men and women who are under forty-six years of age and residents of the State of Iowa.³²

By an act of the Thirty-Eighth General Assembly (1919) all inmates of the institution for the feeble-minded are declared to be

wards of the state and when so committed can not be removed from the care of the institution without an order in writing from the board of control of state institutions.³³ Many detailed provisions describing the procedure by which a person may be declared feeble-minded by the courts, placed under guardianship, or taken into custody for care and maintenance are also included.³⁴

The Epileptic. The object of the state hospital and colony for epileptics as stated in the code is to secure "humane, curative, scientific and economical care and treatment of epileptics." Adults as well as children are admitted to the colony. Residence in Iowa for one year is necessary for admission.³⁵ Epileptics may be admitted as voluntary patients or may be committed by the commissioners of insanity in the same way that insane persons are committed to the state hospital for the insane.³⁶ The inmates of this institution are not declared to be wards of the state, but all persons admitted to the hospital and colony, even if sane, are under the custody and control of the superintendent who "may restrain and discipline any patient in such manner as he may deem best for the welfare of the patient, subject at all times to such regulations as may be made by the board of control."³⁷

The Crippled. Another agency of the state for the care of defective children is the so-called Perkins Hospital for crippled children established in connection with the College of Medicine at the State University. At first the law provided only for the treatment of indigent children under sixteen years of age, but by an act of the Thirty-Eighth General Assembly, indigent persons over sixteen years of age may also receive such surgical and hospital care as they may need. In either case a formal hearing in court is prescribed before the court enters an order directing that the individual be taken or sent to the hospital for free medical and surgical treatment and hospital care.

In the case of a child under sixteen years of age, the judge may on his own motion appoint some physician to make an examination and report whether or not the child will probably be benefited by medical or surgical treatment; or such examination and report may be made upon complaint entered by any probation officer, school teacher or officer, superintendent of the poor, or licensed physician "alleging that the child named therein is under sixteen years of age and is afflicted with some deformity or suffering from

some malady that can probably be remedied, and that the parents or other persons legally chargeable with the support of such child are unable to provide means for the surgical and medical treatment and hospital care of such child.”³⁸

In case a cripple is over sixteen years of age the law provides that it shall be the duty of any “physician, county supervisor, township trustee, public health nurse, overseer of the poor, policeman, priest or minister to report the same to the judge of the district or superior court having jurisdiction in the county in which said person resides.”³⁹

In no case, however, will a minor child be ordered sent to the hospital without the consent of “the parent, parents, or guardian or other person having the legal custody of such child.” Nor is any person of full age and sound mind sent without his own consent.

The board of control of state institutions, however, may in its discretion send any inmate of any said institution, or any person committed or applying for admission thereto to the hospital for crippled children for treatment and care “without securing an order from the court as provided in other cases.” This was a part of the original act, when admission to the hospital was limited to those under sixteen years of age. Whether it would now apply to all inmates of the state institutions over sixteen years of age, is a matter for judicial interpretation.

The chapter dealing with children under sixteen years of age declares that: “No child, under the terms of this chapter, shall be treated for any ailment except such as is described by the order of the court, unless permission for such treatment is granted by the parents or guardians; and no child shall be used for the purpose of experimentation.”⁴⁰ Again the law is silent as to whether this provision also applies to those over sixteen years of age.

3. *Delinquent Children.* The code treats neglected, dependent, and delinquent children in the same chapter, probably in recognition of the fact that neglect and dependency usually result in delinquency on the part of the child. While the laws requiring that children should be cared for and supported may not always be strictly enforced, the law-breaker soon gets into the hands of the law, and the law certainly recognizes the fact that juvenile delinquency and parental neglect are closely related. Section

2128 of the Compiled Code 1919 reads: "In every cause in the juvenile court the court shall investigate whether every person responsible for the care, custody, maintenance, education, medical treatment and discipline of the child or children involved, is doing his full duty by such child or children, and, in case the court finds that the parents or other persons *in loco parentis* are not doing their duties, the court shall try all lawful and proper means under this chapter to make them do so, giving them aid and assistance in case it be deemed necessary. The court may declare a child abandoned by one parent while it may not be by the other. In case the parents are divorced and the one having the custody is adjudged to have abandoned the child, then the ability and propriety of the other parent shall be considered."

The law as it relates to delinquent children applies to those under sixteen years of age who are not "charged with a commission of offenses punishable under the laws of the state with life imprisonment, or with the penalty of death." Delinquent children are defined as those under sixteen years of age who violate any law of the state or city ordinance or who are incorrigible; or who knowingly associate with thieves, vicious or immoral persons, or who are growing up in idleness and crime; or who knowingly frequent a house of ill fame; or who patronize any gambling resort; or who habitually wander about railroad yards or tracks or get upon moving trains or enter any car or engine without lawful authority.⁴¹

The district and superior courts are given jurisdiction in juvenile cases; a special juvenile court record being kept;⁴² and "all such cases shall be tried to the court without a jury."⁴³

To protect the juvenile offender from the disgrace of having been a 'jail bird,' the law provides that no court or magistrate shall commit a child not yet having reached his seventeenth birthday, to jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, probation officer, or other person who shall keep such child in some suitable place provided by the city or county, outside the inclosure of any jail or police station."⁴⁴ Moreover the judge is authorized to exclude from the court room, at time of hearing such cases, any and all persons who are, in his opinion, not necessary for the hearing of the case.⁴⁵

Whenever a boy or girl is found guilty of the commission of a

crime, which is not punishable by life imprisonment or death, the court may instead of entering a judgment of conviction (1) continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow the child to remain in its own home subject to the visitation of the probation officer, who may also require the child to report periodically to him, or (2) the court may cause the child to be placed in some suitable family home, or (3) the child may be committed to the proper training school, or (4) the child may be committed to any institution within the county incorporated under the laws in this state, that may care for delinquent children, or to any institution provided by a city or county, suitable for the care of delinquent children, or (5) to any state institution which may be established for the care of delinquent boys or girls over ten years of age. "In no case shall a child be committed beyond his or her minority."⁴⁶

Juvenile Offenders. The definition of a juvenile delinquent in the section above indicates that there are two classes of such delinquents, namely, (1) those who violate any law of the state or city ordinance and (2) those whose habits, associates and environment are sure to lead to delinquency. Both of these two classes of juvenile delinquents are given the benefit of the juvenile court procedure, and instead of having a judgment of conviction entered against them, the court may dispose of the case as indicated above. The chapter of the code relating to the training-schools for both boys and girls, overlaps in part the law relating to juvenile delinquents just mentioned, the chief difference being that the former applies to children between the ages of ten and eighteen while the other applies to those under sixteen. In either case, however, the court may send such delinquents to the training-schools instead of entering a judgment of conviction. The law relating to the commitment of children to the training-schools reads as follows: "When a boy over the age of ten years and under eighteen, or a girl over the age of ten years and under eighteen, of sound mind, excepting married women, prostitutes, or any girl who is pregnant, shall be found guilty in any court of record of any crime excepting that of murder, the court in its discretion may, instead of entering judgment of conviction, order and direct the party to be sent to the training-school."⁴⁷

On complaint of parent or guardian that any boy or girl over ten

years and under eighteen "is habitually vagrant, disorderly, or incorrigible," the child may with the consent of the parents or guardian be committed to one of the training schools, "for reformation and instruction until he or she attains the age of twenty-one years," and no commitments may extend beyond twenty-one years.⁴⁸

If persons committed to the training-schools are incorrigible, or if their presence is detrimental to the welfare of the school, they may be returned to the county of their residence "where proceedings shall be resumed as if no committal had been made."⁴⁹

Boys or girls committed to the training-schools may be placed under contract "with any persons or in any families of good standing and character where they will be properly cared for and educated," but not "beyond the time when the persons bound shall attain their majority."⁵⁰

The chapter on the Women's Reformatory again deals with delinquent girls and provides that females under the age of sixteen years of age and over twelve convicted of offenses punishable by life imprisonment, may be committed either to the training-school or to the Women's Reformatory as the court may see fit.⁵¹ Other females convicted of a felony and sentenced to confinement in the penitentiary are kept in the Women's Reformatory, and "justices of the peace and judges of the police courts throughout the state may commit all females sentenced to thirty days to such reformatory."⁵²

Any girl over fourteen years of age who is an unruly and incorrigible inmate of the training-school for girls, may be transferred to the Women's Reformatory.⁵³

The city is no doubt the home of many of our juvenile delinquents, and special provision has been made for their detention and care while under arrest. In all cities of 25,000 or more inhabitants the mayor is required to designate one or more station-houses for the detention or imprisonment of women and children under arrest and he must see that the rooms or cells set apart for them are separated from and out of sight of the rooms or cells in which male prisoners are imprisoned.⁵⁴ Cities may also maintain "a house of refuge, or a house of correction and a work-house, or either of them." For the violation of any city ordinance, children under sixteen may be committed to the city house of refuge, if over six-

teen to the house of correction and work-house.⁵⁵ In cities of 25,000 or more inhabitants, the mayor may, and in cities of 35,000 or over he must appoint, for each station-house provided for the detention of women and children, one or more women police matrons who must be residents of the city and over thirty years of age.⁵⁶ Police matrons so appointed have charge of all women and children under arrest and accompany such as may require aid to court.⁵⁷

VI. THE PROTECTION OF THE HEALTH AND MORALS OF CHILDREN

The state has not considered its duty complete when it has provided that a child is entitled to sustenance. In addition, numerous provisions are found in the code which have for their object the protection of the health and morals of the child.

Section 885 declares that "no person under sixteen years of age shall be employed at any work or occupation by which, by reason of its nature or the place of employment, the health of such person may be injured, or his morals depraved, or at any work in which the handling or use of gunpowder, dynamite or other like explosive is required, or in or about any mine during the school term, hotel, bowling alley, pool or billiard room, or in occupations dangerous to life or limb, and no female under twenty-one years of age shall be employed in any capacity where the duties of such employment compel her to remain constantly standing." Moreover the baneful effects on children of tender age, and especially on girls, of being engaged in any of the street occupations of peddling, boot-blackening, and selling papers is recognized.⁵⁸

Fixing the hours of labor for children under sixteen between seven A. M. and six P. M. with a noon intermission of at least thirty minutes must be looked upon as a health measure.⁵⁹

The prohibition of the sale or gift of intoxicating liquors to minors is no doubt designed both for the protection of health and morals.⁶⁰ Likewise the section which makes it "unlawful for any person under the age of twenty-one years to smoke or use a cigarette or cigarettes on the premises of another, or on any public road, street, alley or park, or other lands used for public purposes or in any public place of business or amusement, except when in company of his parent or guardian," is no doubt intended as a health measure.⁶¹

The provision of the law already recited for the giving of free medical, surgical, and hospital treatment to indigent children may be looked upon as a measure to protect the health of such persons. The requirement that physicians, parents, guardians, or school teachers report cases of whooping-cough, measles, mumps or chicken-pox to the local board of health,⁶² and the placarding of the homes of children so afflicted, as a public warning, no doubt tends to reduce the spread of such diseases.⁶³

Moreover in all cases of dependency or delinquency in the juvenile court "the court may, when the health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge."⁶⁴

The presentation of immoral plays, exhibitions, and entertainments "which would tend to the corruption of the morals of youth or others" is made a misdemeanor punishable "by a fine not exceeding one thousand dollars or imprisonment in the county jail not exceeding one year or by both such fine and imprisonment."⁶⁵ In addition, any person who leases or lets his premises for such purposes is likewise subject to the same penalty.

Other provisions intended to protect the morals of the youth forbid the exhibiting of pictures of prize fights, printing or circulation of obscene books, pictures or literature, or the use of obscene productions by phonograph, or the exhibition of deformed or abnormal persons.⁶⁶

VII. CRIMES AGAINST CHILDREN

Closely related to those provisions designed to protect the health and morals of the youth are those declaring certain actions in relation to children as criminal. These actions may be classified into three groups: (1) Desertion or abandonment of children, (2) child stealing, and (3) sex crimes.

1. *Desertion or abandonment of children.* Anyone who exposes a child under six years of age on the highway, in a field or in any other place with the intent wholly to abandon it, is subject upon conviction to imprisonment in the penitentiary for not over five years.⁶⁷ In like manner any one who abandons "his or her legitimate or legally adopted child or children under the age of sixteen

years, leaving such child or children in a destitute condition, or shall, without good cause, wilfully neglect or refuse to provide for such child or children they being in a destitute condition, shall be deemed guilty of desertion and, upon conviction, shall be punished by imprisonment in the penitentiary for not more than one year, or by imprisonment in the county jail for not more than six months.⁶⁸ Persons so convicted, however, may be released by giving bond guaranteeing to "furnish his or her child or children with a necessary and proper home, food, care and clothing."⁶⁹

2. *Child stealing.* In addition to the provision against kidnapping, a special section on child stealing is found in the code. This section on child stealing provides that any one who takes or entices away any child under the age of sixteen years "with intent to detain, or conceal such child from its parents, guardian, or other person or institution having the lawful custody thereof," may be punished by a period of imprisonment not exceeding one year or fined not exceeding one thousand dollars.⁷⁰

3. *Sex Crimes against Children.* A punishment of three years in the penitentiary may be imposed upon any one who entices any female into a house of ill fame for the purpose of prostitution, but a five-year sentence may be imposed on one who entices an unmarried female under eighteen years of age away for such a purpose.⁷¹ The maximum punishment for rape is life imprisonment and the carnal knowledge of any female child under fifteen years of age is defined as rape; thus placing the age of consent at fifteen years of age.⁷² Moreover, any lewd, immoral, or lascivious act upon or with the body of any child under thirteen years of age by one over eighteen years of age is punishable by a term of not more than three years in the penitentiary or by a fine of not over five hundred dollars.⁷³

VIII. THE EDUCATION OF CHILDREN

Not only does the child in Iowa have a right to a common school education up to his sixteenth year, but he is compelled by law to have it unless physically or mentally incapacitated from attending school.⁷⁴ Moreover truant officers may be provided whose duty it is to apprehend and take into custody children of school age who are found loitering about during school hours.⁷⁵ In addition school boards are authorized to establish truant schools for the

instruction of children who are habitually truant, and may provide for their confinement, maintenance, and instruction under reasonable rules and regulations. The child who proves to be insubordinate or who escapes from the school during school hours may be adjudged disorderly and incorrigible and be committed to one of the training-schools of the state.⁷⁶ In the training-schools the child finds that the state has provided that he "be instructed in piety and morality, in such branches of useful knowledge" as are adapted to his age and capacity, and "in some regular course of labor, either mechanical, agricultural or manufactural." He is also to be given instruction "in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system."⁷⁷

Dependents and delinquents in the Juvenile Home are to be given "instruction in common school and higher branches, science and arts, so far as practicable, and in such manual training as shall best physically and otherwise develop and fit such inmates to become good citizens."⁷⁸ Schools are also provided in county detention homes for children when established.⁷⁹

In the Soldiers' Orphans' Home the children must be given "a common school education."⁸⁰ Even the poor children at the county home or poor farm must "attend the district school for the district in which such home is situated."⁸¹

There is no escape from a common school education in Iowa according to law; for "any person having control of any child of the age of seven to sixteen years, inclusive, in proper physical and mental condition to attend school, shall cause such child to attend some public, private, or parochial school, where the common school branches of reading, writing, spelling, arithmetic, grammar, geography, physiology, and United States history are taught." A failure to send a child to school as provided subjects the individual having control of the child to a penalty of from three to twenty dollars for each offense.⁸²

School boards are authorized to establish evening schools for the benefit of those over sixteen years of age who from any cause are unable to attend the public day schools.⁸³ Moreover, when ten or more such persons desire instruction it is made the duty of the school board to "establish and maintain an evening school for such instruction throughout a period of not less than three months of

every school year and for not less than two hours at least two times each week during the term of such evening school."⁸⁴

School boards are also permitted to organize part time vocational schools for children, between fourteen and sixteen years of age who hold work certificates, or who have not completed the eighth grade, and whenever there are fifteen or more such children in a district it is mandatory upon the school board to organize such part time schools.⁸⁵

Thus we have seen that the state not only provides for, but requires the education of all normal children including both the dependent and the delinquent. Nor can the defective escape. Compulsory education of the deaf and the blind is required by law,⁸⁶ and the feeble-minded and the epileptic are given such education as they are capable of receiving.⁸⁷

The percentage of illiteracy in Iowa is very small which testifies to the faithful administration of the school laws.

IX. THE LEGAL RIGHTS OF THE CHILD

The child as a person in law is entitled to many of the same legal rights as the adult. In this paper, however, only those acts, in which the child is specially mentioned will be considered.

In the first place there is a recognition of the child's right to be born alive and a heavy penalty rests upon anyone who would attempt to prevent it.⁸⁸ When born, the date of his birth and his name are matters of public record.⁸⁹

It is a well known fact that a minor does not enjoy the same degree of freedom in all matters that the adult does. The law declares that the parents are the natural guardians of their minor children and are equally entitled to their care and custody.⁹⁰ If a child has no natural guardian, the court may appoint one, and in all cases where a minor owns property a guardian must be appointed, because a minor is under restrictions in regard to property matters.⁹¹ A minor over fourteen years of age and of sound mind may select his own guardian.⁹² A guardian stands in the same relation to a minor as a parent would if living.

There is a rather strong popular belief that contracts made by minors are void. The law, however, declares that "a minor is bound not only by contracts for necessities, but also by his other contracts, unless he disaffirms them within a reasonable time after

he obtains his majority, and restores to the other party all money or property received by him by virtue of the contract, and remaining within his control at any time after his attaining his majority,"⁹³ except that where a minor misrepresents his age or engages in business as an adult he can not disaffirm his contracts if the other party had good reason to believe him capable of contracting.⁹⁴

In case of a contract for the personal services of a minor, when made with him alone, and when payment for the service rendered is made to him in accordance with the terms of the contract, the parent or guardian can not recover such child's wages a second time⁹⁵ on the ground that a parent is entitled to the wages of his minor children. Nor can a parent claim the earnings of a child who has been placed out by adoption or for a term of years by the Juvenile Home.⁹⁶

Minors may sue and be sued but "the action of a minor must be brought by his guardian, if he has one, if not, by his next friend, but the court may dismiss it if it is not for his benefit, or may substitute a guardian or another person as next friend."⁹⁷

On the other hand "the defense of a minor must be by his regular guardian, or by one appointed to defend for him where no regular guardian appears, or, where the court directs a defense, by one appointed for that purpose. No judgment can be rendered against a minor until after a defense by a guardian."⁹⁸

X. THE PROPERTY RIGHTS OF A CHILD

Legal rights and property rights are necessarily so closely related that the writer made no attempt to draw a sharp line of distinction between them. While all children may be said to have legal rights, property rights pertain to those having property or a claim to property.

The law of Iowa distinctly gives a child a right to inherit from his parents, if they die intestate. In this case two-thirds of the estate goes to the children and one third to their mother if living, otherwise all of the estate would go to the children. Even a posthumous child is entitled to his proportional share of his father's estate.⁹⁹

Whenever a parent has been adjudged guilty of contributing to the dependency of a child and the child is subsequently adopted as

provided by law, such adoption "shall not prevent or cut off any inheritance he might be entitled to from his rightful or adoptive parents adjudged guilty of contributory dependency, . . . in accordance with the laws of descent of this state, such inheritance to be in addition to that to which he may be entitled by virtue of the adoption hereunder and no will to the contrary shall be valid."¹⁰⁰

The whole law of guardianship is chiefly concerned with conserving the property rights of minors.¹⁰¹ Numerous special provisions are found for the protection of their property interests.¹⁰² Thus a way is provided by law for the redemption of the property of minors when sold for taxes, as well as for guarding their other property rights.¹⁰³

The property rights of adults are also protected against criminal acts of children by authorizing cities and towns to prohibit pawnbrokers and junk or second-hand dealers from purchasing or receiving from minors any property without the written consent of their parents or guardians.¹⁰⁴

Under the workmen's compensation act any child under sixteen years of age is entitled to compensation for the loss of a parent according to the schedule provided in the law.¹⁰⁵ Payments, however, are made to a trustee appointed by the judge of the district court who must spend the money received "for the use and benefit of the person entitled" to it. The same is true where the minor receives compensation for injuries sustained.¹⁰⁶ A parent may also "maintain an action for the expenses and actual loss of service resulting from the injury or death of a minor child."¹⁰⁷

XI. THE CHILD IN INDUSTRY

Child labor has been the curse of industry. Greedy and needy parents have forced children of tender age into the work shop and the factory for the sake of helping out the family income or even for the purpose of relieving the parent of labor. Industry has often been a willing partner to the sacrifice of child life to increased dividends. In almost every state in the Union there has been a struggle at one time or another to define the status of the child in industry, to give it the protection necessary to enable it to acquire at least a common school education, and to maintain its health, morals and well-being.

Although Iowa is not rated as an industrial state, there are nevertheless many opportunities for the exploitation of the child unless it is protected by law. That the child labor laws of Iowa do afford protection is shown by the fact that Iowa ranks high among states that are concerned with the interests of childhood.

There are a number of provisions in the code limiting occupations solely on the ground of age. Thus provision is made in section 860 that "no person under sixteen years of age, and no female under eighteen years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machinery of any kind."

Section 882 is the chief section defining the status of the child in industry. This section provides that "no person under fourteen years of age shall be employed with or without wages or compensation in any mine, manufacturing establishment, factory, mill, shop, laundry, slaughter house or packing house, or in any store or mercantile establishment where more than eight persons are employed, or in the operation of any freight or passenger elevator, or livery stable or garage, place of amusement, or in the distribution or transmission of merchandise or messages. Provided that nothing in this section shall be construed as prohibiting a child from working in any of the above establishments or occupations when such are owned or operated by their own parents."

No person under sixteen years of age can be employed in any of the places or occupations enumerated above before seven o'clock in the morning or after six o'clock in the evening, and if the employment exceeds five hours a day then a noon intermission of at least thirty minutes must be given. Nor can such persons be employed more than eight hours in any one day, exclusive of the noon intermission, nor more than forty-eight hours in any one week; but if a part time school is organized in the district, then no one under sixteen years of age can be employed more than forty hours in any one week.¹⁰⁸ It is also incumbent upon any one employing children under sixteen years of age to keep duplicate lists of the names and ages of all such children together with their work permits accessible to any officer charged with the enforcement of the child labor laws. Work permits are granted only through the school authorities and must show that the child is fourteen years

of age or over, and is sufficiently sound in health and physically able to perform the work for which the permit is sought. The school record of the child must also show that it has completed "a course of study equivalent to six yearly grades in reading, writing, spelling, English language, geography, and arithmetic."¹⁰⁹

The health and morals of the youth are protected by a section previously cited.¹¹⁰

Another section prescribing working conditions for children applies only to cities of ten thousand or more inhabitants. This section provides that "no boy under eleven years of age nor girl under eighteen years of age shall be employed, permitted or suffered to work at any time in any city of ten thousand or more inhabitants within this state in or in connection with the street occupations of peddling, boot-blackening, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any other occupations in any street or public place; except that in cities having a superior or municipal court, the superintendent of schools or person authorized by him, upon sufficient showing made by the said superior or municipal judge, shall have authority, in exceptional cases, to issue a permit to a boy under eleven years of age." The section then goes on to describe the conditions under which a work permit will be issued, provides for the issuance of a badge to be worn by such boys which will authorize them "to engage in the above mentioned occupations at such time or times between four A. M. and seven-thirty P. M. in each day as the public schools of the city or district where such boys reside are not in session, but at no other time, except that during the summer school vacation, such boy may engage in such occupation until the hour of eight-thirty P. M." Penalties are put upon parents or guardians of children who engage in street occupations in violation of this section; also upon persons who sell articles to such children to be resold.¹¹¹

A part of section 886 seems to be in direct conflict with section 884 just given for it provides that no "person under eighteen years of age (shall) be employed in the transmission, distribution or delivery of goods or messages between the hours of ten in the evening and five in the morning in any city of ten thousand or more inhabitants."

Attention has already been called to the provisions for the estab-

lishment of part-time schools for minors between the ages of fourteen and sixteen years of age holding work certificates.

It is made the duty of the commissioner of the bureau of labor statistics to enforce the provisions of the child labor laws.¹¹² One of the factory inspectors must, according to law, be a woman whose special duty it is to "inspect the sanitary and general conditions under which the women and children are at work in all factories, work shops, hotels, restaurants, stores, and any other places where women and children are employed."¹¹³

In the coal mining industry the mine foreman or pit boss must keep a record of the boys under sixteen years of age employed by him during school vacations. This record must show their names and ages, names and residence of parent or guardian and the character of the employment in which they are engaged. This record must be open to inspection at all reasonable times.¹¹⁴

XII. SPECIAL RESTRICTIONS UPON MINORS

The mature and normal person finds that the numerous legal restrictions he must comply with have been enacted in the interest of public welfare. The minor, however, finds numerous legal restrictions imposed upon him which are intended to a large extent to protect him against his own immature judgment.

These restrictions may readily be classified into two groups, namely: those that are absolute and those which may be overcome by the consent of parent or guardian.

In the first class should be mentioned the inability of a minor to vote, to sit on a jury, or to hold public office. Nor is the marriage of a boy under sixteen and a girl under fourteen valid.

The right to sue and to be sued in his own name, in civil action, is a right only of a mature person of sound mind.¹¹⁵ Numerous special provisions for the trial and detention of youthful offenders are, however, found, and have already been referred to.

The numerous restrictions in the labor laws limiting the right of occupation or employment under certain ages are absolute in the sense that they may not be removed by parental consent.

Recognizing that fire arms in the hands of immature persons are dangerous not only to such persons but also to others, the law prohibits any one from selling or giving to a minor "any pistol, revolver or toy pistol."¹¹⁶

The second group includes those restrictions which may be overcome by parental consent.

Boys of sixteen and girls of fourteen may marry but only with the written consent of their parents or guardian.¹¹⁷ The right of the parent to consent to the marriage of such immature persons has been seriously questioned.

Laws prohibiting the youth from enjoying the vices of mankind are, like our Sunday observance laws, "more honored in the breach than in the observance," yet these laws are still on the statute books. One of these laws declares that "no person by himself, agent or otherwise, shall in any manner procure for, or sell or give any intoxicating liquors to any minor for any purpose, except upon written order of his parent, guardian, or family physician."¹¹⁸ Since Federal prohibition has rendered the written order of parent, guardian, or family physician of no value, this law is now, probably, well observed. Another act, violations of which may be seen any day, provides that "it shall be unlawful for any person under the age of twenty-one years to smoke or use a cigarette or cigarettes on the premises of another, or on any public road, street, alley or park or other lands used for public purposes or in any public place of business or amusement, except when in company of his parent or guardian."¹¹⁹

Two other restrictions are placed upon minors because of immature judgment. The first denies any one under eighteen years of age the privilege of getting a hunter's license "unless the written consent of parents or guardian is attached to the application."¹²⁰ The other forbids persons under fifteen years of age from operating or driving a motor vehicle even with the permission of the owner unless "accompanied by a person of mature years," and even then the owner of the car is held liable for any damage done.¹²¹ A chauffeur's license may not be issued to any one under eighteen years of age, and those over eighteen and under twenty-one who apply for such licenses must have their parents or guardian join in such application by signing the same. Then "any negligence of a minor, so licensed, in operating a motor vehicle upon the public highway, as chauffeur, shall be imputed to the person, persons or corporation, who shall employ said chauffeur; which person, persons, or corporation . . . shall be jointly and severally liable with such minor for any damage caused by such negligence."¹²²

The right of cities and towns to prohibit pawn-brokers, junk dealers, and second-hand dealers from purchasing or receiving any property from a minor without the written consent of their parents or guardian has already been noted.

XIII. CHILD WELFARE LEGISLATION

In a broad sense most of the legislation already described may be designated as child welfare legislation. The state has been ready and willing to give the aid which legislation affords for the benefit of the dependent, the defective and the delinquent. In fact it has been frequently stated that while these classes of children were being materially cared for, the interests of the normal child were really neglected. To promote the interests of the normal child and disseminate the information acquired by investigation and research the Iowa Child Welfare Research Station was established in 1917, under authority of an act of the Thirty-Seventh General Assembly.

The management and control of the Station is vested in a Director, appointed by the Iowa State Board of Education. The sum of \$25,000 annually was appropriated for the maintenance of the Station which is located at Iowa City "as an integral part of the state university."¹²³

Child welfare in a popular sense has been made a part of the program of our municipal social and recreational activities. Cities of more than fifty thousand inhabitants may provide a "Community Center House" in one or more districts of the city for the promotion of child welfare, among other things.¹²⁴

In other cities the council may appoint a "Community Civic Congress," the chief function of which is to advise and coöperate with the council "in all matters pertaining to community improvements, child welfare, and social and recreational activities."¹²⁵ In either case child welfare is probably limited to furthering of wholesome social and recreational activities for the children of the community.

XIV. CONCLUSION

The purpose of this paper, as already stated, was to give a narrative account of the laws of Iowa relating to children. The fact that these laws are so widely scattered throughout the new com-

piled code has convinced the writer of the desirability of codifying these laws. The laws of Iowa relating to children are, like those of many other states, largely patches upon other statutes. They represent the legislative action of many assemblies, and it is not surprising to find that they have not been passed with any definiteness of purpose. Some of our legislation is no doubt up to the best standards of child welfare legislation, but at the same time conflicting, indefinite and obsolete acts still abound.

A few examples will suffice for illustration. To find the responsibility of a parent for the care and support of his children it is necessary to consult the law of domestic relations, the poor laws, the labor laws, the school laws, and perhaps others. In one place the law relative to delinquent children states that no child under seventeen years of age can be put in jail; while in another place provision is made for the detention of children both over and under sixteen years of age in rooms or cells separate from and out of sight of adult prisoners.

Again the law says that no commitment of a delinquent boy or girl shall extend beyond his or her minority; and another section provides that boys and girls shall not be committed beyond their twenty-first year.

In one place the law declares that a child whose parents have no settlement in this state gains a settlement by residing in any county of the state for one year. In another place it provides that any child brought into this state by a Home-finding Association who becomes a public charge within five years must be removed from the state by such association.

One section of the labor laws forbids any person under eighteen years of age engaging in the distribution or delivery of goods or messages between 10 P. M and 5 A. M., and yet another section permits boys over eleven years of age to engage in street occupation between 4 A. M and 7:30 P. M.

The law relative to the registration of births is almost universally declared to be inadequate both as to substance and administration. Adequate definitions of terms, and administrative machinery for the enforcement of the law are pressing needs. The substance of the law is no doubt of prime importance, but laws are not self-enforcing and without efficient administration laws soon become a dead letter.

At the present time it is no doubt difficult for one inexperienced in the reading of statutes to find many of the provisions of the law relating to children, even with the superior index of the compiled code of 1919. It is therefore the opinion of the writer that Iowa should join in the march of progress and provide for a children's code commission to revise and unify our laws relating to children.

Children's Code Commissions have been established in Connecticut, Delaware, Indiana, Michigan, Missouri, Minnesota, Montana, Nebraska, New Hampshire, Ohio, Oregon, South Carolina, and Wisconsin. In some of these states children's codes have already been adopted; in others the commissions are still at work.

There is a common belief that the problems of child welfare are mostly municipal, yet the Missouri Children's Code Commission found them to be rural and not municipal. Investigation might prove the same to be true in Iowa. A revision and codification of our laws relative to children should be undertaken at an early date in order that the best standards of child care may be adopted for this state in the interest of good citizenship.

REFERENCES

1. Section 3283
2. Section 1359
3. Section 1359
4. Section 6637
5. Section 2089
6. Section 2107
7. Section 2120
8. Section 823 (c. 2. 3.)
9. Section 8360-8367
10. Section 3274
11. Section 2122 also 3279
12. Section 6685
13. Section 6686-6688
14. Section 1360
15. Section 2126
16. Section 2141
17. Section 2453
18. Section 2465
19. Section 2454
20. Section 2455
21. Section 6689
22. Section 2129
23. Section 2449
24. Section 2451
25. Section 2458
26. Section 2462
27. Section 2462-64
28. Section 4625
29. Section 1939-40
30. Section 1941
31. Section 1942
32. Section 1943-46
33. Section 1949
34. Title IX Chap. 5
35. Section 1978-79
36. Section 1983
37. Section 1981-82
38. Section 2375
39. Section 2386-87
40. Section 2385
41. Section 2089
42. Section 2090
43. Section 2099
44. Section 2100
45. Section 2100
46. Section 2103
47. Section 2150
48. Section 2156
49. Section 2157
50. Section 2155
51. Section 2165
52. Section 2168
53. Section 2169
54. Section 3527 (8)
55. Section 3642
56. Section 3523
57. Section 3538
58. Section 884
59. Section 886
60. Section 963
61. Section 8879
62. Section 1276
63. Section 1277
64. Section 2104
65. Section 8804
66. Section 8805-8816
67. Section 8851
68. Section 8845
69. Section 8847
70. Section 8623
71. Section 8800-01
72. Section 8606
73. Section 8803
74. Section 2663
75. Section 2667
76. Section 2666
77. Section 2152
78. Section 2461
79. Section 2110
80. Section 2452
81. Section 3307
82. Section 2663
83. Section 2581
84. Section 2582
85. Section 2583
86. Section 2629 (2675-2680)
87. Section 1939 1941, 1978
88. Section 8613
89. Section 1369
90. Section 6641
91. Section 6642-43
92. Section 6644
93. Section 6638
94. Section 6639
95. Section 6640
96. Section 2468
97. Section 7106
98. Section 7108
99. Section 7800
100. Section 2127
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102. Section 2818
103. Section 4691, 4700, 4937
104. Section 3602
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106. Section 820
107. Section 7096
108. Section 886
109. Section 888
110. Section 885
111. Section 884
112. Section 890
113. Section 881
114. Section 771
115. Section 7106-7108
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117. Section 6588-89
118. Section 963
119. Section 8879
120. Section 1141
121. Section 3055
122. Section 3054
123. Section 2349-2351
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125. Section 3640

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